

107TH CONGRESS
1ST SESSION

S. 507

To implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2001

Mr. MURKOWSKI (for himself, Mr. AKAKA, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Northern Mariana Islands Covenant Implementation
6 Act”.

7 (b) STATEMENT OF PURPOSE.—In recognition of the
8 need to ensure uniform adherence to long-standing funda-

1 mental immigration policies of the United States, it is the
2 intention of Congress in enacting this legislation—

3 (1) to ensure effective immigration control by
4 extending the Immigration and Nationality Act, as
5 amended (8 U.S.C. 1101 et seq.), in full to the Com-
6 monwealth of the Northern Mariana Islands, with
7 special provisions to allow for the orderly phasing-
8 out of the nonresident contract worker program of
9 the Commonwealth of the Northern Mariana Is-
10 lands, and the orderly phasing-in of Federal respon-
11 sibilities over immigration in the Commonwealth of
12 the Northern Mariana Islands;

13 (2) to minimize, to the greatest extent possible,
14 potential adverse effects this orderly phase-out might
15 have on the economy of the Commonwealth of the
16 Northern Mariana Islands by:

17 (A) encouraging diversification and growth
18 of the economy of the Commonwealth of the
19 Northern Mariana Islands consistent with fun-
20 damental values underlying Federal immigra-
21 tion policy;

22 (B) recognizing local self-government, as
23 provided for in the Covenant to Establish a
24 Commonwealth of the Northern Mariana Is-
25 lands in Political Union with the United States

1 of America through consultation with the Gov-
2 ernor and other elected officials of the Govern-
3 ment of the Commonwealth of the Northern
4 Mariana Islands by Federal agencies and by
5 considering the views and recommendations of
6 such officials in the implementation and en-
7 forcement of Federal law by Federal agencies;

8 (C) assisting the Commonwealth of the
9 Northern Mariana Islands to achieve a progres-
10 sively higher standard of living for its citizens
11 through the provision of technical and other as-
12 sistance;

13 (D) providing opportunities for persons au-
14 thorized to work in the United States, including
15 lawfully admissible freely associated state cit-
16 izen labor; and

17 (E) ensuring the ability of the locally elect-
18 ed officials by the Commonwealth of the North-
19 ern Mariana Islands to make fundamental pol-
20 icy decisions regarding the direction and pace of
21 the economic development and growth of the
22 Commonwealth of the Northern Mariana Is-
23 lands, consistent with the fundamental national
24 values underlying Federal immigration policy.

1 **SEC. 2. IMMIGRATION REFORM FOR THE COMMONWEALTH**
 2 **OF THE NORTHERN MARIANA ISLANDS.**

3 (a) AMENDMENTS TO ACT APPROVING THE COV-
 4 ENANT TO ESTABLISH A COMMONWEALTH OF THE
 5 NORTHERN MARIANA ISLANDS IN POLITICAL UNION
 6 WITH THE UNITED STATES OF AMERICA.—Public Law
 7 94–241 (90 Stat. 263), as amended, is further amended
 8 by adding at the end thereof the following:

9 **“SEC. 6. IMMIGRATION AND TRANSITION.**

10 “(a) APPLICATION OF THE IMMIGRATION AND NA-
 11 TIONALITY ACT AND ESTABLISHMENT OF A TRANSITION
 12 PROGRAM.—Effective on the first day of the first full
 13 month commencing one year after the date of enactment
 14 of the Northern Mariana Islands Covenant Implementa-
 15 tion Act (hereafter the ‘transition program effective date’),
 16 the provisions of the Immigration and Nationality Act, as
 17 amended (8 U.S.C. 1101 et seq.) shall apply to the Com-
 18 monwealth of the Northern Mariana Islands: *Provided*,
 19 That there shall be a transition period ending December
 20 31, 2009 (except for subsection (d)(2)(D)), following the
 21 transition program effective date, during which the Attor-
 22 ney General of the United States (hereafter ‘Attorney
 23 General’), in consultation with the United States Secre-
 24 taries of State, Labor, and the Interior, shall establish,
 25 administer, and enforce a transition program for immigra-
 26 tion to the Commonwealth of the Northern Mariana Is-

1 lands provided in subsections (b), (c), (d), (e), (f), and
2 (i) of this section (hereafter the ‘transition program’). The
3 transition program shall be implemented pursuant to reg-
4 ulations to be promulgated as appropriate by each agency
5 having responsibilities under the transition program.

6 “(b) EXEMPTION FROM NUMERICAL LIMITATIONS
7 FOR H-2B TEMPORARY WORKERS.—An alien, if other-
8 wise qualified, may seek admission to the Commonwealth
9 of the Northern Mariana Islands as a temporary worker
10 under section 101(a)(15)(H)(ii)(B) of the Immigration
11 and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B))
12 without counting against the numerical limitations set
13 forth in section 214(g) of such Act (8 U.S.C. 1184(g)).

14 “(c) TEMPORARY ALIEN WORKERS.—The transition
15 program shall conform to the following requirements with
16 respect to temporary alien workers who would otherwise
17 not be eligible for nonimmigrant classification under the
18 Immigration and Nationality Act:

19 “(1) Aliens admitted under this subsection shall
20 be treated as nonimmigrants under section
21 101(a)(15) of the Immigration and Nationality Act
22 (8 U.S.C. 1101(a)(15)), including the ability to
23 apply, if otherwise eligible, for a change of non-
24 immigrant classification under section 248 of such
25 Act (8 U.S.C. 1258), or adjustment of status, if eli-

1 gible therefor, under this section and section 245 of
2 such Act (8 U.S.C. 1255).

3 “(2)(A) The United States Secretary of Labor
4 shall establish, administer, and enforce a system for
5 allocating and determining the number, terms, and
6 conditions of permits to be issued to prospective em-
7 ployers for each temporary alien worker who would
8 not otherwise be eligible for admission under the Im-
9 migration and Nationality Act. This system shall
10 provide for a reduction in the allocation of permits
11 for such workers on an annual basis, to zero, over
12 a period not to extend beyond December 31, 2009,
13 and shall take into account the number of petitions
14 granted under subsection (i). In no event shall a per-
15 mit be valid beyond the expiration of the transition
16 period. This system may be based on any reasonable
17 method and criteria determined by the United States
18 Secretary of Labor to promote the maximum use of,
19 and to prevent adverse effects on wages and working
20 conditions of, persons authorized to work in the
21 United States, including lawfully admissible freely
22 associated state citizen labor, taking into consider-
23 ation the objective of providing as smooth a transi-
24 tion as possible to the full application of Federal
25 law.

1 “(B) The United States Secretary of Labor is
2 authorized to establish and collect appropriate user
3 fees for the purposes of this section. Amounts col-
4 lected pursuant to this section shall be deposited in
5 a special fund of the Treasury. Such amounts shall
6 be available, to the extent and in the amounts as
7 provided in advance in appropriations acts, for the
8 purposes of administering this section. Such
9 amounts are authorized to be appropriated to re-
10 main available until expended.

11 “(3) The Attorney General shall set the condi-
12 tions for admission of nonimmigrant temporary alien
13 workers under the transition program, and the
14 United States Secretary of State shall authorize the
15 issuance of nonimmigrant visas for aliens to engage
16 in employment only as authorized in this subsection:
17 *Provided*, That such visas shall not be valid for ad-
18 mission to the United States, as defined in section
19 101(a)(38) of the Immigration and Nationality Act
20 (8 U.S.C. 1101(a)(38)), except the Commonwealth
21 of the Northern Mariana Islands. An alien admitted
22 to the Commonwealth of the Northern Mariana Is-
23 lands on the basis of such a nonimmigrant visa shall
24 be permitted to engage in employment only as au-
25 thorized pursuant to the transition program. No

1 alien shall be granted nonimmigrant classification or
2 a visa under this subsection unless the permit re-
3 quirements established under paragraph (2) have
4 been met.

5 “(4) An alien admitted as a nonimmigrant pur-
6 suant to this subsection shall be permitted to trans-
7 fer between employers in the Commonwealth of the
8 Northern Mariana Islands during the period of such
9 alien’s authorized stay therein, without advance per-
10 mission of the employee’s current or prior employer,
11 to the extent that such transfer is authorized by the
12 Attorney General in accordance with criteria estab-
13 lished by the Attorney General and the United
14 States Secretary of Labor.

15 “(d) IMMIGRANTS.—With the exception of immediate
16 relatives (as defined in section 201(b)(2) of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1151(b)(2)) and per-
18 sons granted an immigrant visa as provided in paragraphs
19 (1) and (2) of this subsection, no alien shall be granted
20 initial admission as a lawful permanent resident of the
21 United States at a port-of-entry in the Commonwealth of
22 the Northern Mariana Islands, or a port-of-entry in Guam
23 for the purpose of immigrating to the Commonwealth of
24 the Northern Mariana Islands.

1 “(1) FAMILY-SPONSORED IMMIGRANT VISAS.—

2 For any fiscal year during which the transition pro-
3 gram will be in effect, the Attorney General, after
4 consultation with the Governor and the leadership of
5 the Legislature of the Commonwealth of the North-
6 ern Mariana Islands, and in consultation with appro-
7 priate Federal agencies, may establish a specific
8 number of additional initial admissions as a family-
9 sponsored immigrant at a port-of-entry in the Com-
10 monwealth of the Northern Mariana Islands, or at
11 a port-of-entry in Guam for the purpose of immi-
12 grating to the Commonwealth of the Northern Mar-
13 iana Islands, pursuant to sections 202 and 203(a) of
14 the Immigration and Nationality Act (8 U.S.C. 1152
15 and 1153(a)).

16 “(2) EMPLOYMENT-BASED IMMIGRANT VISAS.—

17 “(A) If the Attorney General, after con-
18 sultation with the United States Secretary of
19 Labor and the Governor and the leadership of
20 the Legislature of the Commonwealth of the
21 Northern Mariana Islands, finds that excep-
22 tional circumstances exist with respect to the
23 inability of employers in the Commonwealth of
24 the Northern Mariana Islands to obtain suffi-
25 cient work-authorized labor, the Attorney Gen-

1 eral may establish a specific number of employ-
2 ment-based immigrant visas that will not count
3 against the numerical limitations under section
4 203(b) of the Immigration and Nationality Act
5 (8 U.S.C. 1153(b)). The labor certification re-
6 quirements of section 212(a)(5) of the Immi-
7 gration and Nationality Act, as amended (8
8 U.S.C. 1182(a)(5)) shall not apply to an alien
9 seeking immigration benefits under this sub-
10 section.

11 “(B) Persons granted employment-based
12 immigrant visas under the transition program
13 may be admitted initially at a port-of-entry in
14 the Commonwealth of the Northern Mariana Is-
15 lands, or at a port-of-entry in Guam for the
16 purpose of immigrating to the Commonwealth
17 of the Northern Mariana Islands, as lawful per-
18 manent residents of the United States. Persons
19 who would otherwise be eligible for lawful per-
20 manent residence under the transition program,
21 and who would otherwise be eligible for an ad-
22 justment of status, may have their status ad-
23 justed within the Commonwealth of the North-
24 ern Mariana Islands to that of an alien lawfully
25 admitted for permanent residence.

1 “(C) Nothing in this paragraph shall pre-
2 clude an alien who has obtained lawful perma-
3 nent resident status pursuant to this paragraph
4 from applying, if otherwise eligible, under this
5 section and under the Immigration and Nation-
6 ality Act for an immigrant visa or admission as
7 a lawful permanent resident under the Immi-
8 gration and Nationality Act.

9 “(D) SPECIAL PROVISION TO ENSURE ADE-
10 QUATE EMPLOYMENT IN THE TOURISM INDUS-
11 TRY AFTER THE TRANSITION PERIOD ENDS.—

12 “(i) During 2008, and in 2014 if a
13 five year extension was granted, the Attor-
14 ney General and the United States Sec-
15 retary of Labor shall consult with the Gov-
16 ernor of the Commonwealth of the North-
17 ern Mariana Islands and tourism busi-
18 nesses in the Commonwealth of the North-
19 ern Mariana Islands to ascertain the cur-
20 rent and future labor needs of the tourism
21 industry in the Commonwealth of the
22 Northern Mariana Islands, and to deter-
23 mine whether a five-year extension of the
24 provisions of this paragraph (d)(2) would
25 be necessary to ensure an adequate num-

1 ber of workers for legitimate businesses in
2 the tourism industry. For the purpose of
3 this section, a business shall not be consid-
4 ered legitimate if it engages directly or in-
5 directly in prostitution or any activity that
6 is illegal under Federal or local law. The
7 determination of whether a business is le-
8 gitimate and whether it is sufficiently re-
9 lated to the tourism industry shall be made
10 by the Attorney General in his sole discre-
11 tion and shall not be reviewable. If the At-
12 torney General after consultation with the
13 United States Secretary of Labor deter-
14 mines, in the Attorney General's sole dis-
15 cretion, that such an extension is necessary
16 to ensure an adequate number of workers
17 for legitimate businesses in the tourism in-
18 dustry, the Attorney General shall provide
19 notice by publication in the Federal Reg-
20 ister that the provisions of this paragraph
21 will be extended for a five-year period with
22 respect to the tourism industry only. The
23 Attorney General may authorize one fur-
24 ther extension of this paragraph with re-
25 spect to the tourism industry in the Com-

1 monwealth of the Northern Mariana Is-
2 lands if, after the Attorney General
3 consults with the United States Secretary
4 of Labor and the Governor of the Com-
5 monwealth of the Northern Mariana Is-
6 lands, and local tourism businesses, the At-
7 torney General determines, in the Attorney
8 General's sole discretion, that a further ex-
9 tension is required to ensure an adequate
10 number of workers for legitimate busi-
11 nesses in the tourism industry in the Com-
12 monwealth of the Northern Mariana Is-
13 lands.

14 “(ii) The Attorney General, after con-
15 sultation with the Governor of the Com-
16 monwealth of the Northern Mariana Is-
17 lands and the United States Secretary of
18 Labor and the United States Secretary of
19 Commerce, may extend the provisions of
20 this paragraph (d)(2) to legitimate busi-
21 nesses in industries outside the tourism in-
22 dustry for a single five year period if the
23 Attorney General, in the Attorney Gen-
24 eral's sole discretion, concludes that such
25 extension is necessary to ensure an ade-

1 quate number of workers in that industry
2 and that the industry is important to
3 growth or diversification of the local econ-
4 omy.

5 “(iii) In making his determination for
6 the tourism industry or for industries out-
7 side the tourism industry, the Attorney
8 General shall take into consideration the
9 extent to which a training and recruitment
10 program has been implemented to hire per-
11 sons authorized to work in the United
12 States, including lawfully admissible freely
13 associated state citizen labor to work in
14 such industry. No additional extension be-
15 yond the initial five year period may be
16 granted for any industry outside the tour-
17 ism industry or for the tourism industry
18 beyond a second extension. If an extension
19 is granted, the Attorney General shall sub-
20 mit a report to the Committee on Energy
21 and Natural Resources of the Senate and
22 the Committee on Resources of the House
23 of Representatives setting forth the rea-
24 sons for the extension and whether he be-

1 lieves authority for additional extensions
2 should be enacted.

3 “(e) NONIMMIGRANT INVESTOR VISAS.—

4 “(1) Notwithstanding the treaty requirements
5 in section 101(a)(15)(E) of the Immigration and
6 Nationality Act (8 U.S.C. 1101(a)(15)(E)), the At-
7 torney General may, upon the application of the
8 alien, classify an alien as a nonimmigrant under sec-
9 tion 101(a)(15)(E)(ii) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the
11 alien—

12 “(A) has been admitted to the Common-
13 wealth of the Northern Mariana Islands in
14 long-term investor status under the immigration
15 laws of the Commonwealth of the Northern
16 Mariana Islands before the transition program
17 effective date;

18 “(B) has continuously maintained resi-
19 dence in the Commonwealth of the Northern
20 Mariana Islands under long-term investor sta-
21 tus;

22 “(C) is otherwise admissible; and

23 “(D) maintains the investment or invest-
24 ments that formed the basis for such long-term
25 investor status.

1 “(2) Within 180 days after the transition pro-
2 gram effective date, the Attorney General and the
3 United States Secretary of State shall jointly publish
4 regulations in the Federal Register to implement
5 this subsection.

6 “(3) The Attorney General shall treat an alien
7 who meets the requirements of paragraph (1) as a
8 nonimmigrant under section 101(a)(15)(E)(ii) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1101(a)(15)(E)(ii)) until the regulations imple-
11 menting this subsection are published.

12 “(f) PERSONS LAWFULLY ADMITTED UNDER THE
13 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
14 IMMIGRATION LAW.—

15 “(1) No alien who is lawfully present in the
16 Commonwealth of the Northern Mariana Islands
17 pursuant to the immigration laws of the Common-
18 wealth of the Northern Mariana Islands on the tran-
19 sition program effective date shall be removed from
20 the United States on the ground that such alien’s
21 presence in the Commonwealth of the Northern
22 Mariana Islands is in violation of subparagraph
23 212(a)(6)(A) of the Immigration and Nationality
24 Act, as amended, until completion of the period of
25 the alien’s admission under the immigration laws of

1 the Commonwealth of the Northern Mariana Is-
2 lands, or the second anniversary of the transition
3 program effective date, whichever comes first. Noth-
4 ing in this subsection shall be construed to prevent
5 or limit the removal under subparagraph
6 212(a)(6)(A) of such an alien at any time, if the
7 alien entered the Commonwealth of the Northern
8 Mariana Islands after the date of enactment of the
9 Northern Mariana Islands Covenant Implementation
10 Act, and the Attorney General has determined that
11 the Government of the Commonwealth of the North-
12 ern Mariana Islands violated subsection (f) of such
13 Act.

14 “(2) Any alien who is lawfully present and au-
15 thorized to be employed in the Commonwealth of the
16 Northern Mariana Islands pursuant to the immigra-
17 tion laws of the Commonwealth of the Northern
18 Mariana Islands on the transition program effective
19 date shall be considered authorized by the Attorney
20 General to be employed in the Commonwealth of the
21 Northern Mariana Islands until the expiration of the
22 alien’s employment authorization under the immi-
23 gration laws of the Commonwealth of the Northern
24 Mariana Islands, or the second anniversary of the

1 transition program effective date, whichever comes
2 first.

3 “(g) EFFECT ON OTHER LAWS.—The provisions of
4 this section and the Immigration and Nationality Act, as
5 amended by the Northern Mariana Islands Covenant Im-
6 plementation Act, shall, on the transition program effec-
7 tive date, supersede and replace all laws, provisions, or
8 programs of the Commonwealth of the Northern Mariana
9 Islands relating to the admission of aliens and the removal
10 of aliens from the Commonwealth of the Northern Mar-
11 iana Islands.

12 “(h) ACCRUAL OF TIME FOR PURPOSES OF SECTION
13 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY
14 ACT, AS AMENDED.—No time that an alien is present in
15 violation of the immigration laws of the Commonwealth
16 of the Northern Mariana Islands shall by reason of such
17 violation be counted for purposes of the ground of inad-
18 missibility in section 212(a)(9)(B) of the Immigration and
19 Nationality Act (8 U.S.C. 1182(a)(9)(B)).

20 “(i) ONE-TIME GRANDFATHER PROVISION FOR CER-
21 TAIN LONG-TERM EMPLOYEES.—

22 “(1) An alien may be granted an immigrant
23 visa, or have his or her status adjusted in the Com-
24 monwealth of the Northern Mariana Islands to that
25 of an alien lawfully admitted for permanent resi-

1 dence, without counting against the numerical limi-
2 tations set forth in sections 202 and 203(b) of the
3 Immigration and Nationality Act, as amended (8
4 U.S.C. 1152, 1153(b)), and subject to the limiting
5 terms and conditions of an alien's permanent resi-
6 dence set forth in paragraphs (B) and (C) of sub-
7 section (d)(2), if:

8 “(A) the alien is employed directly by an
9 employer in a business that the Attorney Gen-
10 eral has determined is legitimate;

11 “(B) the employer has filed a petition for
12 classification of the alien as an employment-
13 based immigrant with the Attorney General
14 pursuant to section 204 of the Immigration and
15 Nationality Act, as amended, not later than 180
16 days following the transition program effective
17 date;

18 “(C) the alien has been lawfully present in
19 the Commonwealth of the Northern Mariana Is-
20 lands and authorized to be employed in the
21 Commonwealth of the Northern Mariana Is-
22 lands for the four-year period immediately pre-
23 ceding the filing of the petition;

24 “(D) the alien has been employed continu-
25 ously in that business by the petitioning em-

1 employer for the four-year period immediately pre-
2 ceding the filing of the petition;

3 “(E) the alien continues to be employed in
4 that business by the petitioning employer at the
5 time the immigrant visa is granted or the
6 alien’s status is adjusted to permanent resident;

7 “(F) the petitioner’s business has a rea-
8 sonable expectation of generating sufficient rev-
9 enue to continue to employ the alien in that
10 business for the succeeding four years; and

11 “(G) the alien is otherwise eligible for ad-
12 mission to the United States under the provi-
13 sions of the Immigration and Nationality Act,
14 as amended (8 U.S.C. 1101 et seq.).

15 “(2) The labor certification requirements of sec-
16 tion 212(a)(5) of the Immigration and Nationality
17 Act, as amended (8 U.S.C. 1182(a)(5)) shall not
18 apply to an alien seeking immigration benefits under
19 this subsection.

20 “(3) The fact that an alien is the beneficiary of
21 an application for a preference status that was filed
22 with the Attorney General under section 204 of the
23 Immigration and Nationality Act, as amended (8
24 U.S.C. 1154) for the purpose of obtaining benefits
25 under this subsection, or has otherwise sought per-

1 manent residence pursuant to this subsection, shall
2 not render the alien ineligible to obtain or maintain
3 the status of a nonimmigrant under this Act or the
4 Immigration and Nationality Act, as amended, if the
5 alien is otherwise eligible for such nonimmigrant sta-
6 tus.

7 “(j) STATUTORY CONSTRUCTION.—Nothing in this
8 section may be construed to count the issuance of any visa
9 to an alien, or the grant of any admission of an alien,
10 under this section toward any numerical limitation con-
11 tained in the Immigration and Nationality Act.”.

12 (b) CONFORMING AMENDMENTS.—(1) Section
13 101(a) of the Immigration and Nationality Act (8 U.S.C.
14 1101(a)) is amended:

15 (A) in paragraph (36), by deleting “and the
16 Virgin Islands of the United States.” and sub-
17 stituting “the Virgin Islands of the United States,
18 and the Commonwealth of the Northern Mariana Is-
19 lands.”; and

20 (B) in paragraph (38), by deleting “and the
21 Virgin Islands of the United States” and sub-
22 stituting “the Virgin Islands of the United States,
23 and the Commonwealth of the Northern Mariana Is-
24 lands.”.

1 (2) Section 212(l) of the Immigration and Nationality
2 Act (8 U.S.C. 1182(l)) is amended—

3 (A) in paragraph (1)—

4 (i) by striking “stay on Guam”, and insert-
5 ing “stay on Guam or the Commonwealth of
6 the Northern Mariana Islands”,

7 (ii) by inserting “a total of” after “ex-
8 ceed”, and

9 (iii) by striking the words “after consulta-
10 tion with the Governor of Guam,” and inserting
11 “after respective consultation with the Governor
12 of Guam or the Governor of the Commonwealth
13 of the Northern Mariana Islands,”;

14 (B) in paragraph (1)(A), by striking “on
15 Guam”, and inserting “on Guam or the Common-
16 wealth of the Northern Mariana Islands, respec-
17 tively,”;

18 (C) in paragraph (2)(A), by striking “into
19 Guam”, and inserting “into Guam or the Common-
20 wealth of the Northern Mariana Islands, respec-
21 tively,”; and

22 (D) in paragraph (3), by striking “Government
23 of Guam” and inserting “Government of Guam or
24 the Government of the Commonwealth of the North-
25 ern Mariana Islands”.

1 (3) The amendments to the Immigration and Nation-
2 ality Act made by this subsection shall take effect on the
3 first day of the first full month commencing one year after
4 the date of enactment of the Northern Mariana Islands
5 Covenant Implementation Act.

6 (c) TECHNICAL ASSISTANCE PROGRAM.—The United
7 States Secretaries of Interior and Labor, in consultation
8 with the Governor of the Commonwealth of the Northern
9 Mariana Islands, shall develop a program of technical as-
10 sistance, including recruitment and training, to aid em-
11 ployers in the Commonwealth of the Northern Mariana Is-
12 lands in securing employees from among United States
13 authorized labor, including lawfully admissible freely asso-
14 ciated state citizen labor. In addition, for the first five fis-
15 cal years following the fiscal year when this section is en-
16 acted, \$500,000 shall be made available from funds appro-
17 priated to the Secretary of the Interior pursuant to Public
18 Law 104–134 for the Federal-CNMI Immigration, Labor
19 and Law Enforcement Initiative for the following activi-
20 ties:

21 (1) \$200,000 shall be available to reimburse the
22 United States Secretary of Commerce for providing
23 additional technical assistance and other support to
24 the Commonwealth of the Northern Mariana Islands
25 to identify opportunities for and encourage diver-

1 sification and growth of the Commonwealth econ-
2 omy. The United States Secretary of Commerce
3 shall consult with the Government of the Common-
4 wealth of the Northern Mariana Islands, local busi-
5 nesses, the United States Secretary of the Interior,
6 regional banks, and other experts in the local econ-
7 omy and shall assist in the development and imple-
8 mentation of a process to identify opportunities for
9 and encourage diversification and growth of the
10 Commonwealth economy. All expenditures, other
11 than for the costs of Federal personnel, shall require
12 a non-Federal matching contribution of 50 percent
13 and the United States Secretary of Commerce shall
14 provide a report on activities to the Committee on
15 Energy and Natural Resources and the Committee
16 on Appropriations of the Senate and the Committee
17 on Resources and the Committee on Appropriations
18 of the House of Representatives by March 1 of each
19 year. The United States Secretary of Commerce may
20 supplement the funds provided under this section
21 with other funds and resources available to him and
22 shall undertake such other activities, pursuant to ex-
23 isting authorities of the Department, as he decides
24 will encourage diversification and growth of the
25 Commonwealth economy. If the United States Sec-

1 retary of Commerce concludes that additional work-
2 ers may be needed to achieve diversification and
3 growth of the Commonwealth economy, the Sec-
4 retary shall promptly notify the Attorney General
5 and the United States Secretary of Labor and shall
6 also notify the Committee on Energy and Natural
7 Resources of the Senate and the Committee on Re-
8 sources of the House of Representatives of his con-
9 clusion with an explanation of how many workers
10 may be needed, over what period of time such work-
11 ers will be needed, and what efforts are being under-
12 taken to train and actively recruit and hire persons
13 authorized to work in the United States, including
14 lawfully admissible freely associated state citizen
15 labor to work in such businesses.

16 (2) \$300,000 shall be available to reimburse the
17 United States Secretary of Labor for providing addi-
18 tional technical and other support to the Common-
19 wealth of the Northern Mariana Islands to train and
20 actively recruit and hire persons authorized to work
21 in the United States, including lawfully admissible
22 freely associated state citizen labor, to fill employ-
23 ment vacancies in the Commonwealth of the North-
24 ern Mariana Islands. The United States Secretary of
25 Labor shall consult with the Governor of the Com-

1 monwealth of the Northern Mariana Islands, local
2 businesses, the College of the Northern Marianas,
3 the United States Secretary of the Interior and the
4 United States Secretary of Commerce and shall as-
5 sist in the development and implementation of such
6 a training program. All expenditures, other than for
7 the costs of Federal personnel, shall require a non-
8 Federal matching contribution of 50 percent and the
9 United States Secretary of Labor shall provide a re-
10 port on activities to the Committee on Energy and
11 Natural Resources and the Committee on Appropria-
12 tions of the Senate and the Committee on Resources
13 and the Committee on Appropriations of the House
14 of Representatives by March 1 of each year. The
15 United States Secretary of Labor may supplement
16 the funds provided under this section with other
17 funds and resources available to him and shall un-
18 dertake such other activities, pursuant to existing
19 authorities of the Department, as he decides will as-
20 sist in such a training program in the Common-
21 wealth of the Northern Mariana Islands.

22 (d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF
23 LABOR OPERATIONS.—The Attorney General and the
24 United States Secretary of Labor are authorized to estab-
25 lish and maintain Immigration and Naturalization Serv-

1 ice, Executive Office for Immigration Review, and United
 2 States Department of Labor operations in the Common-
 3 wealth of the Northern Mariana Islands for the purpose
 4 of performing their responsibilities under the Immigration
 5 and Nationality Act, as amended, and under the transition
 6 program. To the extent practicable and consistent with the
 7 satisfactory performance of their assigned responsibilities
 8 under applicable law, the United States Departments of
 9 Justice and Labor shall recruit and hire from among
 10 qualified applicants resident in the Commonwealth of the
 11 Northern Mariana Islands for staffing such operations.

12 (e) REPORT TO THE CONGRESS.—The President
 13 shall report to the Senate Committee on Energy and Nat-
 14 ural Resources, and the House Committee on Resources,
 15 within six months after the fifth anniversary of the enact-
 16 ment of this Act, evaluating the overall effect of the transi-
 17 tion program and the Immigration and Nationality Act on
 18 the Commonwealth of the Northern Mariana Islands, and
 19 at other times as the President deems appropriate. The
 20 report shall describe what efforts have been undertaken
 21 to diversify and strengthen the local economy, including,
 22 but not limited to, efforts to promote the Commonwealth
 23 of the Northern Mariana Islands as a tourist destination.

24 (f) LIMITATION ON NUMBER OF ALIEN WORKERS
 25 PRIOR TO APPLICATION OF THE IMMIGRATION AND NA-

1 TIONALITY ACT, AS AMENDED, AND ESTABLISHMENT OF
2 THE TRANSITION PROGRAM.—During the period between
3 enactment of this Act and the effective date of the transi-
4 tion program established under section 6 of Public Law
5 94–241, as amended by this Act, the Government of the
6 Commonwealth of the Northern Mariana Islands shall not
7 permit an increase in the total number of alien workers
8 who are present in the Commonwealth of the Northern
9 Mariana Islands on the enactment of this Act.

10 (g) APPROPRIATIONS.—There are authorized to be
11 appropriated such sums as may be necessary to carry out
12 the purposes of this section and of the Immigration and
13 Nationality Act with respect to the Commonwealth of the
14 Northern Mariana Islands.

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